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2145

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/945,130

Applicant(s)

KUCHERAWY, MURRAY

Examiner

Jeffrey R. Swearingen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/11/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered. Applicant has provided a proper information disclosure statement, but has additionally listed some references within the specification that were not on the information disclosure statement.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Figure 3, item 301. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 3, item 301d. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header

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(as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to because Figure 6a-6d are presented in the form of a flowchart. Some IF/ELSE conditions exist in the drawings that are not treated as such in a normal flowchart. See Figure 6B, items 607, 608 for an example. See Figure 6B, items 612, 613 for an example. A flowchart usually will treat an IF/ELSE condition with a diamond giving two options to pursue. See Figure 6A of U.S. Patent 6,658,454, previously granted to the inventor, for an example. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. **Claims 2, 3, 5, 8, 10-11, 13-15, 29, 37, 42-46, and 53** rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. **Claims 2, 3, 5, 8, 11, 14, 15, 29, 42-46, 53** refer to "a period of time." A period of time is an indefinite limitation. It would cause one of ordinary skill in the networking art undue experimentation to implement the invention because of the unknown quantity of "a period of time". For purposes of compact prosecution, "a period of time" will be treated as occurring over any period of time.

9. **Claim 10** recites the limitation "said sender information is transmitted during a "RCPT TO" phase of SMTP (Simple Mail Transport Protocol) processing". The SMTP specification in RFC 821 does not mention use of RCPT TO in reference to sender information, but rather in reference to recipient information. Using RCPT TO in regards to sender information yields a command that does not exist according to the RFC 821 SMTP standard. This is specifically defining a term of a claim contrary to its ordinary meaning. One of ordinary skill in the art would be required to undertake undue experimentation to implement the invention because of the use of this term in an unknown context. Therefore the claim is indefinite. For purposes of compact prosecution, Examiner treats claim 10 as "said recipient information is transmitted during a "RCPT TO" phase of SMTP (Simple Mail Transport Protocol) processing".

10. **Claim 13** recites the limitation "said sender information" in line 1. There is insufficient antecedent basis for this limitation in the claim. For purposes of compact prosecution, Examiner treats "said sender information" as "said e-mail message body data."

11. Regarding **claim 37**, where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim

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term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "RCPT FROM" in claim 37 is unknown to Examiner as a SMTP command. The SMTP specification in RFC 821 does not mention a RCPT FROM command. The term is indefinite because the specification does not clearly redefine the term and the term is unknown in the art. For purposes of compact prosecution, Examiner treats "RCPT FROM" as "RCPT TO".

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. **Claims 1, 16-17, 21-22, 25, 27-28, 31-34, 41, 47-48 and 50-53** rejected under 35 U.S.C. 102(e) as being anticipated by Srivastava et al. (U.S. Patent No. 6,374,292).

14. Regarding **claim 1**, Srivastava discloses *a method for processing an incoming e-mail message that is being received from another domain, the method comprising: receiving at a first process a request from a particular domain to establish a new connection for transmitting a particular e-mail message to the e-mail system; in response to receipt of said request from the particular domain, creating a second process for handling the request to establish a new connection, said second process being connected to a flow control filter providing filtering on a per-domain basis; comparing the request from the particular domain against configurable policy rules; and denying the request if any of said policy rules would be violated.* [Srivastava discloses using a process to define a particular domain in an email server. An

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individual domain can be configured to allow all mail to be received if the state of the domain is active (*establish a new connection*) or if the state of the domain is inactive the domain is suspended from routing mail (*denying the request*). See Srivastava, column 7, lines 36-59. Srivastava further discusses using a multithreaded process, with each thread handling a connection. Examiner considers this to be equivalent to creating a second process for handling a new connection. Srivastava further states that using a single multithreaded process is beneficial by maximizing performance and stability and by minimizing system resource usage. See Srivastava, column 5, lines 9-15.] By this rationale **claim 1** is rejected.

15. Regarding **claim 16**, Srivastava is applied as in claim 1. Srivastava further discloses the *first process comprises a mail transport agent (MTA) process*. [Srivastava states that the invention includes an Internet mail server with an included transfer unit (*MTA*). The transfer unit is coupled to the message store. Access to the message store is through a multithreaded process. See Srivastava, column 4, lines 25-43. See Srivastava, column 5, lines 9-15.] By this rationale **claim 16** is rejected.

16. Regarding **claim 17**, Srivastava is applied as in claim 1. Srivastava further discloses the *second process comprises a child mail transport agent (MTA) process*. [Srivastava states that the invention includes an Internet mail server with an included transfer unit (*MTA*). The transfer unit is coupled to the message store. Access to the message store is through a multithreaded process. See Srivastava, column 4, lines 25-43. See Srivastava, column 5, lines 9-15. Srivastava's multithreaded process accomplishes the same function as a parent process and a child process. See rejection for claim 1.] By this rationale **claim 17** is rejected.

17. Regarding **claim 20**, Srivastava is applied as in claim 1. Srivastava further discloses *creating a multitude of new processes for handling multiple requests to establish new connections, each new process being connected to said flow control filter providing filtering on a per-domain basis*. [Srivastava discusses using multiple threads in a single process, with each thread handling a new connection. See Srivastava, column 5, lines 9-15. See rejection for claim 1.] By this rationale **claim 20** is rejected.

18. Regarding **claim 21**, the limitations of this claim are substantially the same as the limitations of claim 1. Therefore the rationale used to reject claim 1 is also used to reject claim 21. By this rationale **claim 21** is rejected.

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19. Regarding **claim 22**, the limitations of this claim are substantially the same as the limitations of claims 16 and 17. Therefore the rationale used to reject claims 16 and 17 is also used to reject claim 22.

By this rationale **claim 22** is rejected.

20. Regarding **claim 25**, Srivastava is applied as in claim 21. Srivastava further discloses the *set of rules comprises a configurable set of rules*. [Srivastava discloses a postmaster configuring the transport unit with configuration data in a configuration table. Examiner defines this as a *configurable set of rules*. See Srivastava, column 6, lines 26-37.] By this rationale **claim 25** is rejected.

21. Regarding **claim 27**, Srivastava is applied as in claim 21. Srivastava further discloses *user-created class definitions specifying different classes of domains*. [Srivastava discloses transfer unit channels (*user-created class definitions*) that implement specific combinations of transports and protocols and what destination addresses (*different classes of domains*) should be routed through what sorts of channels. See Srivastava, column 6, lines 22-30.] By this rationale **claim 27** is rejected.

22. Regarding **claim 28**, Srivastava is applied as in claim 27. Srivastava further discloses *each said class definition includes a domain name corresponding to a particular domain that is to be monitored for filtering*. [Srivastava discloses the transfer unit channels include destination address (*different classes of domains*). See Srivastava, column 6, lines 22-30.] By this rationale **claim 28** is rejected.

23. Regarding **claim 31**, Srivastava is applied as in claim 21. Srivastava further discloses *a given domain is not filtered if a corresponding rule has not been created for that given domain*. [Srivastava discloses that if the domain set of user services is a null set, the allowed set of user level services is defined as the set of domain services. Examiner defines this as: if no rule exists for the domain, process as normal and do not filter. See Srivastava, column 7, line 60 – column 8, line 13.] By this rationale **claim 31** is rejected.

24. Regarding **claim 32**, Srivastava is applied as in claim 21. Srivastava further discloses *said flow control filter denies a given domain's request for a new connection if any of said rules would be violated by granting the request*. [Srivastava discloses that the requested service is not a member of the set of allowed user level services (*violating a rule by granting the request*) an error flag is thrown (*denying a*

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request for a new connection). See Srivastava, column 8, lines 10-13.] By this rationale **claim 32** is rejected.

25. Regarding **claim 33**, Srivastava is applied as in claim 21. Srivastava further discloses *requests for transmitting e-mail messages comprise SMTP (Simple Mail Transport Protocol) commands submitted to the e-mail system from different domains*. [Srivastava discloses an e-mail server that can support multiple domains. See Srivastava, column 4, lines 10-15. E-mail message can come to the transport unit by way of a SMTP message. See Srivastava, column 6, lines 13-19.] By this rationale **claim 33** is rejected.

26. Regarding **claim 34**, Srivastava is applied as in claim 33. Srivastava further discloses *flow control filter processes said SMTP commands received from different domains to ascertain whether any of said rules would be violated*. [Srivastava discloses a transfer unit receiving a message via SMTP. See Srivastava, column 7, lines 5-8. The SMTP header is read to see if the message address is within the server domain (*processing said SMTP commands*). If the message is within the server domain, the message is filtered according to domain rules. See Srivastava, column 7, line 60 – column 8, line 13.] By this rationale **claim 34** is rejected.

27. Regarding **claim 41**, the limitations of this claim are substantially the same as the limitations of claim 1. Therefore the rationale used to reject claim 1 is also used to reject claim 41. By this rationale **claim 41** is rejected.

28. Regarding **claim 47**, the limitations of this claim are substantially the same as the limitations of claim 32. Therefore the rationale used to reject claim 32 is used to reject claim 47. By this rationale **claim 47** is rejected.

29. Regarding **claim 48**, Srivastava is applied as in claim 47. Srivastava further discloses *returning an error code indicating why the request is denied*. [Srivastava discloses when a requested service is not allowed (*request is denied*) an error flag is thrown (*returning an error code*).] By this rationale **claim 48** is rejected.

30. Regarding **claim 50**, Srivastava is applied as in claim 41. Srivastava further discloses *portions of a given e-mail message include sender information, recipient information, and message body data*.

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[Srivastava discloses forwarding message headers, which include sender information and recipient information. See Srivastava, column 6, lines 50-55. The purpose of Srivastava's teaching is forwarding messages. Forwarding messages includes forwarding message body data. See Srivastava, column 4, lines 25-43.] By this rationale **claim 50** is rejected.

31. Regarding **claim 51**, the limitations of this claim are substantially the same as the limitations of claim 25. Therefore the rationale used to reject claim 25 is also used to reject claim 51. By this rationale **claim 51** is rejected.

32. Regarding **claim 52**, Srivastava is applied as in claim 41. Srivastava further discloses *policy rules comprise user-edited rules created for different domains*. [Srivastava discloses a postmaster (user) configuring (editing) different channels with configuration data stored in a configuration table (rules created for different domains). See Srivastava, column 6, lines 22-41.] By this rationale **claim 52** is rejected.

33. Regarding **claim 53**, Srivastava is applied as in claim 52. Srivastava further discloses *each user-edited rule comprises a host class definition specifying a particular domain and corresponding limits to be applied against that domain over a given period of time*. [Srivastava has defined user-edited rules for particular domains. See rejection for claim 52.] By this rationale **claim 53** is rejected.

Claim Rejections - 35 USC § 103

34. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

35. **Claims 6, 12, 14, 29-30 and 46** rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava and Spam! (Cranor and LaMacchia, Communications of the ACM, August 1998).

36. Regarding **claim 6**, Srivastava is applied as in claim 1. Srivastava fails to disclose *permitting the requested connection; receiving sender information about the particular e-mail message from the*

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particular domain; comparing the sender information from the particular domain against said configurable policy rules; and blocking receipt of the incoming e-mail message if any of said policy rules would be violated (blocking an e-mail message based upon the sender).

37. However, Spam! discloses filtering e-mail from known spam senders based on information in message headers. [See Spam!, page 78.]

38. It would be obvious to one of ordinary skill in the networking art at the time of the invention to combine the teachings of Srivastava and Spam! for the purpose of filtering suspected spam messages to prevent a burden on ISP systems. [See Spam!, page 78. See Spam!, page 74.] Srivastava gives motivation for the combination by stating that the mail server is suited for applications requiring highly reliable, scalable, and efficient information transport. [See Srivastava, column 4, lines 20-25.] By this rationale **claim 6** is rejected.

39. Regarding **claim 12**, Srivastava is applied as in claim 1. Srivastava fails to disclose *permitting the requested connection; receiving e-mail message body data about the particular e-mail message from the particular domain; comparing the e-mail message body data from the particular domain against said configurable policy rules; and blocking receipt of the incoming e-mail message if any of said policy rules would be violated* (blocking an e-mail message based on the content in the body).

40. However, Spam! discloses identifying spam based on information within the body of an email message. Spam! gives this as a filtering solution to reduce the amount of spam. [See Spam!, page 78.]

41. The motivation for this combination is the same as the motivation in claim 6. By this rationale **claim 12** is rejected.

42. Regarding **claim 14**, Srivastava and Spam! are applied as in claim 12. Spam! further discloses that *configurable policy rules specify a maximum aggregate volume of e-mail permitted by a given domain over a period of time*. [Spam! discloses that filtering can be performed on outbound and inbound messages. Spam! further discloses that limits can be placed on the number of outbound messages a subscriber can send. See Spam!, page 79. It is Examiner's position that since the limitation on number of messages can be applied as an outbound filter, that the limitation can also be an inbound filter on messages.] By this rationale **claim 14** is rejected.

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43. Regarding **claim 29**, Srivastava is applied as in claim 27. Srivastava fails to disclose *each class definition includes limits that a particular domain must adhere to over a given period of time*.

44. However, Spam! discloses that limits can be placed on a domain. [Spam! discloses that filtering can be performed on outbound and inbound messages. Spam! further discloses that limits can be placed on the number of outbound messages a subscriber can send. See Spam!, page 79. It is Examiner's position that since the limitation on number of messages can be applied as an outbound filter, that the limitation can also be an inbound filter on messages.]

45. The motivation for the aforementioned combination of teachings is the same motivation applied to claim 6. By this rationale **claim 29** is rejected.

46. Regarding **claim 30**, Srivastava and Spam! are applied as in claim 29. Spam further discloses that domain *limits include selected ones of: maximum number of different senders, maximum number of different recipients, maximum number of connections, maximum number of envelopes, and maximum aggregate volume of mail*. [Spam! discloses limits can be placed on the number of messages a subscriber can send. See rejection for claim 29.] By this rationale **claim 30** is rejected.

47. Regarding **claim 46**, the limitations of this claim are substantially the same as the limitations of claim 14. Therefore the rationale used to reject claim 14 is used to reject claim 46. By this rationale **claim 46** is rejected.

48. **Claim 35** rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava and RFC 821: Simple Mail Transfer Protocol (Jonathan B. Postel, <ftp://ftp.rfc-editor.org/in-notes/rfc821.txt>).

49. Regarding **claim 35**, Srivastava is applied as in claim 34. Srivastava fails to disclose a *SMTP "MAIL FROM" command specifying sender information for a given e-mail message*.

50. However, RFC 821 discloses the source of the message being transmitted (*sender information*). [See RFC 821, The SMTP Procedures.]

51. It would be obvious for one of ordinary skill in the networking art at the time of the invention to combine the teachings of Srivastava and RFC 821 for the purpose of relaying mail between networks. [See RFC 821, Introduction.] Srivastava gives motivation for the combination of the teachings by stating

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that a message can be relayed using SMTP. [See Srivastava, column 6, lines 9-21.] By this rationale **claim 35** is rejected.

52. **Claims 7, 13, 36, 39-40** rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava and Spam! as applied to claim 6 above, and further in view of RFC 821.

53. Regarding **claim 7**, Srivastava and Spam! are applied as in claim 6. Srivastava and Spam! fail to disclose *sender information is transmitted during a "MAIL FROM" phase of SMTP (Simple Mail Transport Protocol) processing*.

54. However, RFC 821 discloses the source of the message being transmitted (*sender information*). [See RFC 821, The SMTP Procedures.]

55. It would be obvious for one of ordinary skill in the networking art at the time of the invention to combine the teachings of Srivastava, Spam!, and RFC 821 for the purpose of relaying mail between networks. [See RFC 821, Introduction.] Srivastava gives motivation for the combination of the teachings by stating that a message can be relayed using SMTP. [See Srivastava, column 6, lines 9-21.] By this rationale **claim 7** is rejected.

56. Regarding **claim 13**, Srivastava and Spam! are applied as in claim 12. Srivastava and Spam! fail to disclose *said e-mail message body data is transmitted during a "DATA" phase of SMTP (Simple Mail Transport Protocol) processing*.

57. However, RFC 821 discloses the message text (*message body data*) is transmitted by using the DATA command. [See RFC 821, The SMTP Procedures.]

58. The motivation used to combine the aforementioned teachings is the same motivation applied to claim 7. By this rationale **claim 13** is rejected.

59. Regarding **claim 36**, Srivastava and RFC 821 are applied as in claim 35. Srivastava fails to disclose *permitting the requested connection; receiving sender information about the particular e-mail message from the particular domain; comparing the sender information from the particular domain against said configurable policy rules; and blocking receipt of the incoming e-mail message if any of said policy rules would be violated* (blocking an e-mail message based upon the sender).

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60. However, Spam! discloses filtering e-mail from known spam senders based on information in message headers. [See Spam!, page 78.]

61. It would be obvious to one of ordinary skill in the networking art at the time of the invention to combine the teachings of Srivastava, RFC 821 and Spam! for the purpose of filtering suspected spam messages to prevent a burden on ISP systems. [See Spam!, page 78. See Spam!, page 74.] Srivastava gives motivation for the combination by stating that the mail server is suited for applications requiring highly reliable, scalable, and efficient information transport. [See Srivastava, column 4, lines 20-25.] By this rationale **claim 36** is rejected.

62. Regarding **claim 39**, Srivastava and Spam! are applied as in claim 34. Srivastava and Spam! fail to disclose *said e-mail message body data is transmitted during a "DATA" phase of SMTP (Simple Mail Transport Protocol) processing.*

63. However, RFC 821 discloses the message text (*message body data*) is transmitted by using the DATA command. [See RFC 821, The SMTP Procedures.]

64. The motivation used to combine the aforementioned teachings is the same motivation applied to claim 7. By this rationale **claim 39** is rejected.

65. Regarding **claim 40**, Srivastava, Spam! and RFC 821 are applied as in claim 39. Spam! further discloses identifying spam based on information within the body of an email message. Spam! gives this as a filtering solution to reduce the amount of spam. [See Spam!, page 78.] By this rationale **claim 40** is rejected.

66. **Claim 26** rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava and Apache HTTP Server Configuration Files (<http://web.archive.org/web/20010208104821/httpd.apache.org/docs/configuring.html>. February 8, 2001).

67. Regarding **claim 26**, Srivastava is applied as in claim 21. Srivastava fails to disclose the configuration file may be a text file.

68. However, Apache HTTP Server Configuration Files discloses that a server configuration file may be a plain text file. [See Apache HTTP Server Configuration Files, Main Configuration Files.]

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69. It would be obvious to one of ordinary skill in the networking art to combine the teachings of Srivastava and Apache HTTP Server Configuration Files for the purpose of allowing changes to be made to the configuration files. [See Apache HTTP Server Configuration Files, Main Configuration Files.] Srivastava gives motivation for the combination by stating that the postmaster configures the server for proper filtering. [See Srivastava, column 6, lines 22-41.] Srivastava further states that the transfer unit can utilize text files. [See Srivastava, column 6, lines 42-43.] By this rationale **claim 26** is rejected.

70. **Claims 2, 42** rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava and Mosberger et al. (U.S. Patent 6,438,597).

71. Regarding **claim 2**, Srivastava is applied as in claim 1. Srivastava fails to disclose said configurable policy rules specify a *maximum number of connections permitted by a given domain over a period of time*.

72. However, Mosberger discloses a connection management system for a data service system that limits the number of connections permitted in the data service system. [See Mosberger, column 3, line 66 – column 4, line 2.] Mosberger states that the connections can be limited by type of connection and the connections can be class-based (*used by a given domain*). [See Mosberger, column 4, lines 3-5.]

73. It would be obvious to one of ordinary skill in the networking art to combine the teachings of Srivastava and Mosberger for the purpose of operating an e-mail service with improved overload behavior. [See Mosberger, column 3, lines 25-32. See Mosberger, column 4, lines 5-12.] Srivastava gives motivation for the combination by stating that the mail server is suited for any application that requires highly reliable, scalable, and efficient information transport. [See Srivastava, column 4, lines 21-25.] By this rationale **claim 2** is rejected.

74. Regarding **claim 3**, the limitations of this claim are substantially the same as the limitations of claim 2. Therefore the rationale used to reject claim 2 is used to reject claim 3. By this rationale **claim 3** is rejected.

75. Regarding **claim 42**, the limitations of this claim are substantially the same as the limitations of claim 2. Therefore the rationale used to reject claim 2 is used to reject claim 42. By this rationale **claim 42** is rejected.

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76. **Claims 18-19 and 23-24** rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava and Ahmed et al. (U.S. Patent No. 6,704,772).

77. Regarding **claim 18**, Srivastava is applied as in claim 1. Srivastava fails to disclose a *second process is created from said first process via a forking operation*.

78. However, Ahmed discloses using forking to send multiple email messages. [See Ahmed, column 10, lines 21-62. It is Examiner's position that creating another email message to send is equivalent to creating a second process from a first process.]

79. It would be obvious to one of ordinary skill in the networking art at the time of the invention to combine the teachings of Srivastava and Ahmed for the purpose of reducing processing power and storage space. [See Ahmed, Abstract.] Srivastava gives motivation for the combination by stating that using multiple threads for processing maximizes performance and scalability. [See Srivastava, column 5, lines 9-15.] Ahmed is analogous art because it deals with email and utilizing threads. [See Ahmed, Title.] By this rationale **claim 18** is rejected.

80. Regarding **claim 19**, Srivastava and Ahmed are applied as in claim 18. Ahmed further discloses the ability to see the initial message regardless of the forks. [See Ahmed, Figure 5.] Seeing the initial message regardless of the fork implies not altering the message for the fork, which is essentially the same as making a copy during a forking operation. By this rationale **claim 19** is rejected.

81. Regarding **claim 23**, the limitations of this claim are substantially the same as the limitations of claim 18. Therefore the rationale used to reject claim 18 is also used to reject claim 23. By this rationale **claim 23** is rejected.

82. Regarding **claim 24**, the limitations of this claim are substantially the same as the limitations of claim 19. Therefore the rationale used to reject claim 19 is also used to reject claim 24. By this rationale **claim 24** is rejected.

83. **Claim 9** rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava and Shaw et al. (U.S. Patent No. 6,282,565).

84. Regarding **claim 9**, Srivastava is applied as in claim 1. Srivastava fails to disclose *permitting the requested connection; receiving recipient information about the particular e-mail message from the*

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particular domain; comparing the recipient information from the particular domain against said configurable policy rules; and blocking receipt of the incoming e-mail message if any of said policy rules would be violated (filtering the message based upon the intended recipient of the message).

85. However, Shaw discloses that a message may be filtered based upon the recipient of the message. [See Shaw, column 5, lines 5-20.]

86. It would be obvious to one of ordinary skill in the networking art at the time of the invention to combine the teachings of Srivastava and Shaw for the purpose of filtering out junk email in order not to waste resources. [See Shaw, column 3, lines 43-47.] Srivastava provides motivation for the combination by stating that the mail server is suited for any application that requires highly reliable, scalable, and efficient information transport. [See Srivastava, column 4, lines 21-25.] By this rationale **claim 9** is rejected.

87. **Claim 15** rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava and Spam! as applied to claim 14 above, and further in view of Shaw.

88. Regarding **claim 15**, Srivastava and Spam! are applied as in claim 14. Srivastava and Spam! fail to disclose *said maximum aggregate volume is based on total byte count of e-mail received from a given domain over a period of time*.

89. However, Shaw discloses limiting the size of incoming email messages based on a maximum number of bytes. [See Shaw, column 4, lines 15-22. Shaw limits the size of a single incoming message, but it is Examiner's position that this could be used to filter all messages from a domain equally as well.]

90. It would be obvious to one of ordinary skill in the networking art at the time of the invention to combine the teachings of Srivastava, Spam! and Shaw for the purpose of filtering out junk email in order not to waste resources. [See Shaw, column 3, lines 43-47.] Srivastava provides motivation for the combination by stating that the mail server is suited for any application that requires highly reliable, scalable, and efficient information transport. [See Srivastava, column 4, lines 21-25.] By this rationale **claim 15** is rejected.

91. **Claims 11, 44** rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava and Shaw as applied to claim 9 above, and further in view of Sash (U.S. Pub. No. 2003/0167250).

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92. Regarding **claim 11**, Srivastava and Shaw are applied as in claim 9. Srivastava and Shaw fail to disclose *configurable policy rules specify a maximum number of different recipients permitted by a given domain over a period of time*.

93. However, Sash discloses placing a limit on the number of recipients of a message. [See Sash, page 5, paragraph 0050. Sash discloses forwarding information templates via a content provider, but this limitation is equally applicable to other types of forwarding. Sash also discloses monitoring the forwarding of information templates by tracking email addresses. See Sash, page 5, paragraph 0053.]

94. It would be obvious to one of ordinary skill in the networking art at the time of the invention to combine the teachings of Srivastava, Shaw, and Sash for the purpose of detecting undesirable activity such as spam. [See Sash, page 5, paragraph 0053.] Shaw gives motivation for the combination by stating that a message can be filtered based on the recipient attribute. [See Shaw, column 5, lines 1-20.] By this rationale **claim 11** is rejected.

95. Regarding **claim 44**, the limitations of this claim are substantially the same as the limitations in claim 11. Therefore the rationale used to reject claim 11 is also used to reject claim 44. By this rationale **claim 44** is rejected.

96. **Claim 10** rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava and Spam! as applied to claim 9 above, and further in view of RFC 821.

97. Regarding **claim 10**, Srivastava and Spam! are applied as in claim 9. Srivastava and Spam! fail to disclose *sender information is transmitted during a "MAIL FROM" phase of SMTP (Simple Mail Transport Protocol) processing*.

98. However, RFC 821 discloses the source of the message being transmitted (*sender information*). [See RFC 821, The SMTP Procedures.]

99. It would be obvious for one of ordinary skill in the networking art at the time of the invention to combine the teachings of Srivastava, Spam!, and RFC 821 for the purpose of relaying mail between networks. [See RFC 821, Introduction.] Srivastava gives motivation for the combination of the teachings by stating that a message can be relayed using SMTP. [See Srivastava, column 6, lines 9-21.] By this rationale **claim 10** is rejected.

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100. **Claims 4-5** rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava and Rakoshitz et al. (U.S. Patent No. 6,816,903).

101. Regarding **claim 4**, Srivastava is applied as in claim 1. Srivastava fails to disclose *if none of said policy rules would be violated, permitting the requested connection and incrementing a counter indicating how many connections have been granted to the particular domain* (admission control and keeping track of connections present).

102. However, Rakoshitz discloses admission control for a network (*if none of said policy rules would be violated, permitting the requested connection*) and monitoring how much bandwidth is present in the system (*incrementing a counter indicating how many connections have been granted to the particular domain*). [Rakoshitz disclose bandwidth control and quality of service for sessions (*connections*) in place on the system. See Rakoshitz, column 15, lines 1-30.]

103. It would be obvious to one of ordinary skill in the networking art at the time of the invention to combine the teachings of Srivastava and Rakoshitz for the purpose of preventing traffic congestion. [See Rakoshitz, column 14, lines 50-52.] Srivastava gives motivation for the combination by stating that the service must be highly reliable and efficient. [See Srivastava, column 4, lines 16-25.] By this rationale **claim 4** is rejected.

104. Regarding **claim 5**, Srivastava and Rakoshitz are applied as in claim 4. Rakoshitz further discloses applying different admission policies at different time intervals (*after passage of the period of time, resetting the counter*). [See Rakoshitz, column 15, lines 30-37.] By this rationale **claim 5** is rejected.

105. **Claim 8** rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava and Spam! as applied to claim 6 above, and further in view of Bates et al. (U.S. Patent No. 6,779,021).

106. Regarding **claim 8**, Srivastava and Spam! are applied as in claim 6. Srivastava and Spam! fail to disclose *said configurable policy rules specify a maximum number of different senders permitted by a given domain over a period of time* (detecting a large number of email messages from a domain).

107. However, Bates discloses detecting email from a specific domain and limiting the amount of email from said domain. [See Bates, column 9, lines 3-33.]

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108. Bates discloses limiting the amount of email from a domain, and Srivastava and Spam! disclose filtering based upon the sender of the message. It would be obvious to one of ordinary skill in the networking art at the time of the invention to combine the teachings of Srivastava, Spam! and Bates for the purpose of predicting and blocking spam. [See Bates, column 3, lines 46-63.] Spam! gives motivation for the combination by stating that bulk mailers are able to thwart filters easily. [See Spam!, page 78.] By this rationale **claim 8** is rejected.

109. Regarding **claim 43**, the limitations of this claim are substantially the same as the limitations of claim 8. Therefore the rationale used to reject claim 8 is used to reject claim 43. By this rationale **claim 43** is rejected.

110. Regarding **claim 45**, Srivastava is applied as in claim 41. Srivastava fails to disclose *determining a maximum number of e-mail envelopes*.

111. However, Bates discloses limiting the number of messages from a source address based on a designated number of recipients. [An e-mail envelope goes to a recipient, so a recipient can be used as a count for a number of e-mail envelopes. See Bates, Figure 4A.]

112. The motivation for combining the teachings in this claim is the same as the motivation in claim 8. By this rationale **claim 45** is rejected.

113. Regarding **claim 49**, Srivastava is applied as in claim 41. Srivastava fails to disclose *denying transmission of a given e-mail message upon violation of policy rules*.

114. However, Bates discloses a filter that designates spam and prevents transmission of it to a user based on a set of rules. [See Bates, Figure 4A. See Bates, Figure 4B.]

115. The motivation for combining the teachings in this claim is the same as the motivation in claim 8. By this rationale **claim 49** is rejected.

116. **Claim 10** rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava and Shaw as applied to claim 9 above, and further in view of RFC 821.

117. Srivastava and Shaw fail to disclose *recipient information is transmitted during a "RCPT TO" phase of SMTP (Simple Mail Transport Protocol) processing*.

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118. However, RFC 821 discloses the intended destination user of the message being transmitted (*recipient information*) during the RCPT TO command. [See RFC 821, The SMTP Procedures.]

119. It would be obvious for one of ordinary skill in the networking art at the time of the invention to combine the teachings of Srivastava, Shaw, and RFC 821 for the purpose of relaying mail between networks. [See RFC 821, Introduction.] Srivastava gives motivation for the combination of the teachings by stating that a message can be relayed using SMTP. [See Srivastava, column 6, lines 9-21.] By this rationale **claim 10** is rejected.

120. Regarding **claim 37**, the limitations of this claim are substantially the same as the limitations of claim 10. Therefore the rationale used to reject claim 10 is used to reject claim 37. By this rationale **claim 37** is rejected.

121. Regarding **claim 38**, the limitations of this claim are substantially the same as the limitations of claim 10 and its claim chain, including claim 9. Therefore the rationale used to reject claim 10 is used to reject claim 38. By this rationale **claim 38** is rejected.

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Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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